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PART-IIB

THE HIGH COURT OF MEGHALAYA

SHILLONG

NOTIFICATIONS

The 15th March, 2022.

No.HCM.II/131/2021/CO/4. - With the approval of the Hon'ble, the Chief Justice, the following Rules for condemnation and disposal of vehicles of the High Court of Meghalaya is hereby notified:

Introduction: Vehicles allotted to Hon'ble Chief Justice, Judges, Registrar General and other judicial and non-judicial officers including Judges of District Courts, Meghalaya State Judicial Academy, Meghalaya State Legal Services Authority or used as pool vehicles by various officers of the High Court of Meghalaya have to be condemned when they become un-serviceable or un-economical for repairs for further use. With a view to arriving at a uniformity and transparency or to avoid any irregularity in the matter of condemnation of vehicles, the following rules are framed:

1. These Rules may be called "Meghalaya High Court Rules for Condemnation and Disposal of Vehicles, 2022".

2. Procedure of Condemnation:-

(i) A vehicle can be considered for condemnation in terms of the period of its use or the distance covered as indicated below:-

Type of Vehicle	Period of use	Distance in Km.
(a) Heavy Vehicles (Truck, Buses etc.)	8 Years	1,60,000
(b) Light Vehicles (Jeep, Ambassador, Maruti, etc.)	6 years	1,30,000

(ii) In case of a vehicle has met with an accident or has been given too many repairs due to manufacturing defects or any other defects and is considered uneconomical for repair for further use, the matter will be placed before the **Vehicle Condemnation and Disposal Committee** here in after called 'the Committee'. Such Committee shall examine the vehicle and will certify whether the vehicle

requires to be condemned or not. If the Committee is of the opinion that the vehicle requires to be condemned they should fix the probable upset price of the vehicle.

- (iii) Vehicle fulfilling the criteria for condemnation as laid in sub-rule (i) and (ii) of Rule 2 or which are considered uneconomical for repair for further use should be condemned by the said Committee constituted for the purpose consisting of following members:-

(a) Chairman - Registrar (Administration), High Court of Meghalaya.

(b) Member Secretary - Joint Registrar (Listing) *cum*-OSD, High Court of Meghalaya.

(c) Members:-

(i) Representative from Commissioner of Transport, Government of Meghalaya not below the rank of DTO.

(ii) Representative from Law Department, Government of Meghalaya not below the rank of Deputy Secretary.

(iii) OSD (Finance), High Court of Meghalaya.

(iv) Deputy Registrar (Accounts), High Court of Meghalaya.

(v) All proposals for condemnation of vehicles shall be forwarded to the Committee with complete detail history chart of each vehicle proposed to be condemned as per the form attached to these Rule at Appendix "A".

(v) The Committee shall meet at its convenient to consider proposal, if any, for condemnation of vehicle.

3. Price Fixation:-

- i. In case of any vehicle considered for condemnation or fulfilling the condition laid down in sub-Rule (i) and (ii) of Rule 2, the Committee shall fix the sale value of each condemned vehicle which shall not normally be less than the depreciated value of the vehicle calculated on the basis of flat rate of depreciation cost at 10% (ten per cent) per year of the original purchase price of the vehicle plus cost of improvement and fitments/accessories if any, added to the vehicle.
- ii. In case of vehicle condemned beyond the period of use as laid down in sub-Rule (i) of Rule 2, the period for consideration of fixing the rate of depreciation of 10 (ten percent) per year of the original purchase price should be up to 9 (nine per cent) per year thereafter. However, the residual value of the vehicle under normal circumstances should not be less than 10 (ten per cent) of the purchase price.
- iii. In case the Committee considers it necessary to fix the value of the condemned vehicle lower than the depreciated value as specified in sub-Rule (i) and (ii) of Rule 3 above the Committee shall examine the proposal objectively and shall fix/ recommended the price of vehicle depending on the merit of the case.
- iv. In exceptional cases where a vehicle has become a scrap, the matter will be referred to the Committee, who will then inspect the vehicle on the spot and assess its value.

4. Procedure for disposal/allotment.

- (i) The condemned vehicles except heavy vehicles shall first be offered for sale to the Hon'ble, the Chief Justice, Hon'ble Judges, Registrar General, Registrar and other Judicial Officers and other senior employees of High Court both in service and retired including Judges of subordinate Court, Officers of Meghalaya State Judicial Academy and Meghalaya State Legal Services Authority in the order of hierarchy.

The eligible persons should apply for purchase of condemned vehicle in the prescribed application form attached in Appendix "B" to this Rule.

- (ii) The High Court, with specific approval of the Hon'ble, the Chief Justice, may make allotment to any other person other than eligible officers mentioned in sub-Rule (i) of Rule, 4.
- (iii) The list of all condemned vehicles other than heavy vehicle shall be circulated to all the eligible persons as mentioned in sub-Rule (i) of Rule 4 immediately after sitting of the aforesaid Committee.

Meanwhile a list of condemned heavy vehicle shall be placed before the Committee for fixing the price of each vehicle and to get the respective vehicle disposed of by Public Auction or by inviting tender. The acceptable bid price should not be less than the upset price fixed by the Committee. In case any vehicle cannot be disposed off as per above laid down procedure, the decision of the Committee in this regard shall be final.

- 5. (i) The condemned vehicle as per list circulated to all eligible persons and employees of the High Court shall be kept reserved for them for a period of 30 (thirty) days from the date of circulation of the list to enable them to purchase in the manner prescribed.
- (ii) After the expiry of 30 (thirty) days the vehicles which are not purchased/booked by eligible persons and employees, shall same be disposed off as per sub Rule (ii) of Rule 4.
- (iii) In case there is no demand from any quarter the Committee shall dispose the same through public auction by calling tender.
- (iv) All eligible persons and employees of High Court who are interested to purchase any condemned vehicle as per list forwarded to them may submit his/her application to the High Court of Meghalaya indicating clearly the Registration number of the vehicle of his choice. He/she may indicate other vehicle of his/her 2nd and 3rd preference if he/she so desires. Applications, if any, received before the publication of list of condemned vehicle shall not be entertained.

The buyers shall be required to furnish undertaking that the vehicle is required by him for his personal use and shall not be sold within a period of 2 (two) year from the date of allotment.

6. Basis of allotment of Condemned Vehicle.

- i. Subject to admissibility as provided in Rule 4 and 5 above, the condemned vehicle will be allotted to eligible persons and employees purely on the basis of application received.
 - ii. The allotment shall be strictly on the basis of hierarchy.
 - iii. In the event of more than one application for a particular vehicle, preference shall be given to one who has not been allotted any vehicle before.
7. Eligible persons and employees who are given allotment of condemned vehicle should deposit the price/ money into the Government Head of Account **"0070" – 01 - Admn. of Justice - 800 other receipts"** through Treasury Challan and take delivery of the vehicle within 20 (twenty) days from the date of allotment. The allotment order shall be sent by hand delivery or registered post with an acknowledgment due.

These Rules shall take effect from the date of issue.

Registrar General,
High Court of Meghalaya,
Shillong.

APPENDIX - "A"

HISTORY CHART OF VEHICLE PROPOSED TO BE CONDEMNED

1. Name and designation of officer to whom vehicle was allotted.....
2. Description, model and make of vehicle.....
3. District where the Vehicle was registered.....
4. Registration No. of Vehicle.....
5. Engine No.....
6. Chassis No.....
7. Year of Manufacture.....
8. Date of purchase.....
9. Price at the time of Purchase.....
10. Improvement or additional fitments made, if any and cost thereof.....
11. Total Kilometer covered up to the date of sending proposal for condemnation or up to the date which the vehicle was shut down.....
12. Total expenditure incurred in respect of POL.....
13. Total expenditure incurred for repair and maintenance of vehicle up to the date of proposed for condemnation or vehicle was shut down.....
14. Conditions of parts and report of MVI concerned to be furnished.
 - (i) Body and floor
 - (ii) Engine
 - (iii) Clutch Assembly.
 - (iv) Gearbox Assembly.
 - (v) Propellon Shaft
 - (vi) Differential assembly
 - (vii) Suspension System including spring
 - (viii) Radiator
 - (ix) Water pump
 - (x) Brake System
 - (xi) Steering System
 - (xii) Carburetor
 - (xiii) Distributor
 - (xiv) Dynamo
 - (xv) Self starter
 - (xvi) Light System
 - (xvii) Other Systems
15. Battery (Make number and condition)
16. Tyres condition
17. Accident if any, with detail damage and expenditure incurred for repair.
18. Whether Case in connection with accident has been settled.

APPENDIX – “B”**APPLICATION FORM FOR ALLOTMENT OF CONDEMNED VEHICLE**

(Serving / Retired)

1. Name of applicant:
2. Present designation or for retired employee last post held:
3. Grade:
4. Pay Scale:
5. Place of posting:

I hereby undertake not to sell the condemned vehicle allotted to me within a period of 2 (two) years without specific permission from concern authority.

Date:

Signature